

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION LODG.NO.3008 OF 2004

Smt.Gita Ashok Samala ..Petitioner

Vs.

State of Maharashtra & Ors. ..Respondents

Mr.Mukesh V. Alya for Petitioner

Mr.L.T.Satelkar, A.G.P. for Respondents

**CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 7TH MARCH, 2005.**

P.C.

. Rule. Heard forthwith.

. Petitioner has been allotted a fair price shop. It is the case of the Petitioner that considering the convenience of the card holders she applied for shifting of the Ration shop, that was initially granted to her. Accordingly she has shifted the shop to a new premises wherein she is functioning. That was pursuant to order dated 12th July, 2004. There has been no objection from the card holders.

3. It appears that some other ration shop keepers from the area in which the Petitioner has taken a new premises oppose the shifting and

subsequently the order dated 30th October, 2004. The Petitioner had been granted permission for shifting. The shifting had been done when earlier order was set aside. From the facts on record it appears that the new premises which is shifted is on the other side of the highway. The Petitioner has substantial number of card holders within the area where she has shifted.

. There is a technical objection, that the shop does not fall in area for which the Petitioner has been granted permission. Normally this would have been considered, if there was substantial deviation. There is no such material. The card holders have not opposed the transfer.

. Secondly the Petitioner herself has given undertaking to the Respondents that she will not ask for any additional units from the existing shop keepers. That statement is accepted.

. The objection by the other shopkeepers cannot be a ground for cancellation of the permission granted for shifting.

. Rule made absolute in terms of prayer clause (a) with a further direction that the Petitioner will not apply or will not be given any units for

the existing units of other shop keepers.

. Petition disposed of accordingly. No order
as to costs.

(F.I.REBELLO, J.)

(S.P. KUKDAY, J.)